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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/772,172

01/29/2001

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29026-P01

9721

987 7590 10/24/2005

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EXAMINER

CHANG, VICTOR S

ART UNIT

PAPER NUMBER

1771

DATE MAILED: 10/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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101805

DATE MAILED:

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Commissioner for Patents

See attached NOTE.

NOTE

1. Applicant's response dated 9/21/2005 is acknowledged. With respect to Applicant's argument "applicant presented detailed argument shy the terms in Claim 12 such as "snug", "dark", "entire", "reversible", were not new matter, specifically pointing out the basis in te original specification that supports the language in question."

(Response, page 1), the Examiner repeats (see Office action dated 8/1/2005) that all the limitations must be commensurate with the original drawings or specification. As such, in claim 12, the terms "snug", "dark" (not commensurate with "black"), "entire", "reversible", and newly introduced "substantially similar size", "abut each other", and "means sealing said peripheral edges" must be cancelled, as they all appear to be new matter, or express or inherent support must be clearly provided in the next communication. In particular, the Examiner notes Applicant's argument filed 6/29/2005 arguing that the term "snug" is supported by replacement drawings is improper and erroneous, because replacement drawings are not original disclosure.

2. Applicant's argument "the original drawings comprise a top view and front view of applicant's mat. The top view shows the cover material 1 with heat-sealed edges at the two sides of the cover and the top edge thereof ... the interior flexible core is shown at 3, and since the front view clearly shows and describes the bottom unsealed edge of the cover as having a "rounded front edge, this fact, coupled with the three sealed edges, clearly forms a basis for the mat as more professionally shown in Figs. 1 and 2 of the newly filed drawings. The "front view" shown in the drawings shows the rounded

front edge at 5, and although the reference character 3 does not appear in the front view, this element, i.e., the interior flexible core, is obviously snugly encapsulated by the folded-over cover. Note also the language which appears in claim 1 of original application, and particularly paragraphs (A) and (B).” (Response, page 2, first full paragraph) has been carefully considered, but is not fully persuasive. First, while it is persuasive that the original drawing provides a basis for “rounded front edge”, and the Examiner now withdraws the new matter issues regarding “rounded front edge”, nowhere in the original drawing is there a showing of the curvature of the rounded edge, as such it fails to support the newly filed Figs. 1 and 2. Second, the Examiner asserts that nowhere in the original language in claim 1 is there an express recitation or implied disclosure of the term “snug”.

3. With respect to Applicant’s argument “It is ... the position of applicant that where there is a disclosure of an element as being of a black color, it is permissible for applicant to claim the invention as being of a “dark color” because clearly back is a dark color.” (Response page 2, bottom paragraph), the Examiner repeats that the term “dark” is not commensurate with the term “black”. For example, a “dark” color could be “dark blue”, “dark red”, etc., which are clearly in excess of original disclosure, in particular when Applicant considers color is an essential critical element of his invention.

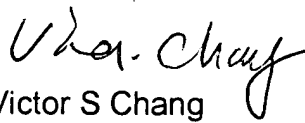
4. Since Applicant continues to fail providing requested support for all of the above raised new matter issues, the Examiner now consider Applicant’s response as being deliberately non-responsive. Finally, the Examiner again respectfully suggests that in

order to alleviate possible continual new matter issues, cancellation of the replacement drawings would be proper.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor S. Chang whose telephone number is 571-272-1474. The examiner can normally be reached on 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel H. Morris can be reached on 571-272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Victor S Chang
Examiner
Art Unit 1771

10/18/2005